

REMARKS

Claims 1-39 are cancelled.

Pending Claims are 40-54.

Support for the subject matter of new claims 40-54 can be found in the specification, as originally filed, at least at page 2 (lines 28-29); page 5 (lines 18-26); page 6 (line 37) to page 7 (line 2); and the page 7 (lines 3- 36), and the originally filed claims.

This preliminary amendment is to the continuation application, filed simultaneously herewith, of U.S. Application No. 10/669,422, which was under final rejection and to which a Notice of Appeal was filed. No appeal brief was filed by applicants. The necessary extension of time was filed simultaneously with the above referenced continuation application and this preliminary amendment.

The new claims presented by this preliminary amendment enjoy the earliest priority date of provisional application, 60/413,114, filed September 24, 2002.

The continuation application, to which this preliminary amendment belongs, is related to issued U. S. Patents Nos. 7,189,771 and 7,317,047 and to a co-pending application, number 11/965,911, also under final rejection and on appeal.

A terminal disclaimer and statement of ownership, signed by an attorney on the original power of attorney as filed in the Serial No. 10/699,422 is filed simultaneously with this continuation application and preliminary amendment. It is my understanding that this terminal disclaimer will address the Examiner's concern raised in the parent application.

In view of the foregoing, examination and allowance of the above-referenced application is respectfully requested.

Respectfully submitted,

/JOHN H. LAMMING/

JOHN H. LAMMING
Registration No. 34,857
(FOR: MARY ANN CAPRIA
Registration No.: 32,659)
ATTORNEY/AGENT FOR APPLICANT
Telephone: (302) 992-2287
Facsimile: (302) 355-3982

Dated: March 10, 2011